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RUEHMN/AMEMBASSY MONTEVIDEO 6792
RUEHSG/AMEMBASSY SANTIAGO 6135
RUEHRC/AMCONSUL RECIFE 6368
RUEHRI/AMCONSUL RIO DE JANEIRO 4026
RUEHSO/AMCONSUL SAO PAULO 9427
RUEKJCS/SECDEF WASHDC
RULSDMK/DEPT OF TRANSPORTATION WASHDC
RUEAAIA/CIA WASHDC
RHEHNSC/NSC WASHDC
RUEANHA/FAA NATIONAL HQ WASHDC
RUEAYVF/FAA MIAMI ARTCC MIAMI FL
RUEWMFU/TSA HQ WASHINGTON DC
RHMFIUU/HQ USSOUTHCOM MIAMI FL

UNCLAS SECTION 01 OF 03 BRASILIA 000485

SIPDIS

SENSITIVE
SIPDIS

TSA FOR VICKI REEDER, SUSAN HASMAN

SIPDIS
AMEMBASSY BUENOS AIRES PASS TSA ATTACHE JOCHOA
FAA FOR C. TERE FRANCESCHI, MAYTE ASHBY
DOD FOR OSD

E.O. 12958: N/A
TAGS: [PGOV](#) [FAIR](#) [BR](#)
SUBJECT: PRO-GOVERNMENT LEGISLATORS BLOCK AIR TRAFFIC
CRISIS INQUIRY

REF: A. 06 BRASILIA 2315

- [1B.](#) 06 BRASILIA 2521
- [1C.](#) 06 BRASILIA 2680
- [1D.](#) 06 BRASILIA 2578
- [1E.](#) BRASILIA 107
- [1F.](#) BRASILIA 457

[11.](#) (SBU) Summary. In a dramatic marathon session of the Chamber of Deputies' Constitution, Justice, and Citizenship Committee (CCJ), pro-government legislators on March 20 broke the backbone of a minority attempt to establish a Parliamentary Inquiry Commission (CPI) into the Air Traffic Crisis. The government is firmly opposed to a CPI, fearing it will be a witch hunt for incompetence that will be used for political purposes. More significantly, prior to defeating the opposition's attempt to establish the CPI, for the last ten days opposition legislators were able to cause gridlock in the Chamber of Deputies, in what could be the first of many hardball episodes to challenge the government's overwhelming strength in the lower house. Legislators from the Liberal Front Party (PFL), the Brazilian Social Democracy Movement (PSDB), and the Socialist People's Party (PPS) tried to delay a pro-government vote to reject the CPI, but were outfoxed in a parliamentary maneuver, resulting in a day of verbal warfare, rising tempers, insults and, at one point, a narrowly avoided physical confrontation between the committee chairman and the minority leader. At the end of a session lasting over seven hours, the government won in a 39 to 21 vote, made possible only with 12 votes from the Brazilian Democratic Movement Party (PMDB), apparently putting an end to the possibility of an inquiry into the air traffic crisis that has sporadically crippled civil aviation in Brazil for months. The next day the government won again in the Chamber plenary with a 308-141 victory. The Supreme Court could still rule in favor of establishing the CPI. End summary.

Background

¶12. (SBU) The Brazilian air traffic system has experienced serious problems since the September 29, 2006, crash of Gol flight 1907 after colliding in mid-air with a private jet, resulting in Brazil's worst air disaster, with the loss of 154 lives. It set off a chain reaction of events that continue to plague Brazilian commercial aviation. (Reftels A, B and C) Waldir Pires, the Minister of Defense, who indirectly oversees the air traffic control system, came under severe attack, and is expected to be replaced imminently.

Work Slowdown by Air Traffic Controllers

¶13. (SBU) After the Gol accident, air traffic controllers, who are uniformed Air Force personnel, began a work-to-rule labor action under which they worked the hours stipulated in their regulations, which was in effect a work slowdown. It resulted in massive air traffic delays at critical times such as Christmas and Carnival. Occasional equipment failures further aggravated the crisis. Federal Deputy Jos Carlos Aleluia (PFL, Bahia) (protect), who was the minority leader until last month, expressed a widely held view when he told Poloff on March 20 that the air traffic crisis is mainly the result of sabotage by air traffic controllers. The problem has been persistent, and reappeared in full strength over the weekend of March 17-18, resulting in massive delays nationwide and widespread passenger ire.

Opposition Calls for Investigation, Then Imposes Gridlock

¶14. (SBU) In that context, opposition parties in the Chamber of Deputies called for an official investigation, which would

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almost certainly prove embarrassing to the administration of President Luiz Inacio Lula da Silva. When government forces put up strong resistance, the PFL, PSDB and PPS decided to cause gridlock throughout the lower house. They were able to halt voting in the plenary and in the CCJ from March 13 until yesterday. At the same time they asked the Supreme Court for a ruling to force the Congress to establish the "CPI on the Air Traffic Crisis." Legislators from President Lula's Workers Party (PT) then introduced a measure to the effect that the Congress would not establish the CPI. This set off a race against the clock by the opposition to stall the vote on the PT measure so the Supreme Court would settle the matter once and for all. The government tried to rush its measure to a vote because once Congress had voted in the plenary -- where the government was assured of victory by dint of its overwhelming numbers -- the Supreme Court could be less likely to rule against the government, or rule at all on this issue.

Showdown and Government Victory

¶15. (SBU) Opposition legislators were prepared to induce another day of legislative paralysis on March 20, and dispatched staffers at seven a.m. to introduce a number of delaying items on the CCJ agenda, according to press reports.

They were outfoxed when a federal deputy from the PMDB placed the PT measure on the agenda for a vote. The committee chairman, 27 year old Leonardo Picciani (PMDB, Rio de Janeiro) then put the PT measure at the top of the agenda for a vote, determining under the rules that a deputy's agenda items take precedence over those submitted by staffers. The CCJ meeting opened at 9:30 a.m. By late afternoon it had turned into a raucus and unruly affair. Picciani struggled to maintain order. Opposition deputies unrelentingly interrupted pro-government speakers and the chairman, asking them to yield a moment to make a point, or calling for a point of order. All the while Picciani pushed the session toward a vote. The highest drama came when Picciani replied to Julio Redecker (PSDB, Rio Grande do Sul),

the minority leader in the Chamber of Deputies, that he should be careful not to venture into "frivolousness," (leviandade). Redecker stood up and began to make his way toward the Chairman's table, shouting "Frivolous? You respect me!...I'll show you frivolous!" but was restrained by colleagues. After a break, tempers cooled, the chairman retracted his words, forced a vote, and the government side won 39 to 21. All twelve PMDB deputies present voted with the government.

Government Wins Handily in Plenary

¶6. (SBU) On March 21 the PT's measure to bury the CPI was approved in a 308-141 open ballot vote in the Chamber's plenary, where the result was never in doubt because of the government's strength in numbers. Voting was along the government-opposition divide. Unaligned parties mostly voted with the opposition. The CPI question not yet completely dead; the Supreme Court could still order the Chamber to establish it. A decision is not expected before April.

¶7. (SBU) Comment. This was the first major test of coalition strength after last week's cabinet shuffle, in which the PMDB increased its seats at the table from two to five. The PMDB repaid the favor. The coalition appears more solid now than it did a few months ago, when the PMDB probably helped defeat the government's candidate to the National Accounting Court (Ref D). But that was before the Chamber presidency contest (Ref E) in which the PMDB played a key role in electing the PT candidate, and before it had been rewarded in the cabinet shuffle for that support and

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recognized for its sheer size (Ref F). The Congressional gridlock, the raucus CCJ meeting, and then the crushing opposition defeats there and in the plenary do not augur well for the government's willingness to maintain a good working relationship with opposition parties. Similarly, the opposition's hardball tactic could come back to haunt them, since they are vastly outnumbered in the lower house. If this is a taste of things to come in the 53rd Congress, little could be accomplished and partisanship could remain at a fever pitch.

Sobel